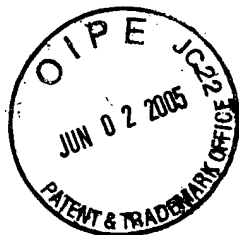


IFW



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 31, 2005.

Rhonda A. Etienne 5/31/05  
Rhonda A. Etienne Date

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gholam A. Peyman  
Serial No.: 10/667,161  
Filed: September 19, 2003  
Group Art Unit: 1615  
Confirmation No.: 8452  
Examiner: Unknown  
Title: **OCULAR SOLUTIONS**  
Attorney Ref.: PMAN-25

Cincinnati, Ohio 45202

May 31, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. Because the requirement (37 C.F.R. §1.98(a)(2)(i)) for submitting

copies of U.S. patents and U.S. patent application publications has been waived, copies of only the foreign cited references are enclosed herewith.

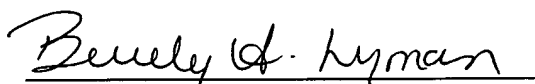
The Examiner is urged to consider the cited references listed on the attached form PTO-1449, and to make an independent decision with respect to materiality.

It is submitted that the cited references do not disclose or render obvious the subject matter claimed in the present application.

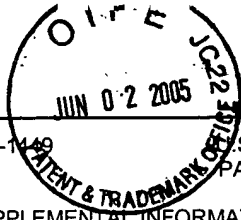
Applicant does not believe there is any fee due with this submission. Should any fees or surcharges be deemed necessary, Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000. The Examiner is invited to telephone the undersigned attorney if there are any questions or issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
Beverly A. Lyman, Ph.D.  
Reg. No. 41,961

2700 Carew Tower  
441 Vine Street  
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513 241-2324  
513 421-7269 (facsimile)

SUBSTITUTE FORM PTO-1449  
(MODIFIED)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
PMAN/25SERIAL NO.  
10/667,161THIRD SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTAPPLICANT  
Gholam Peyman

(Use several sheets if necessary)

(37 CFR 1.98(b))

FILING DATE  
September 19, 2003GROUP  
1615

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |     | PATENT NUMBER |   |   |   |   |   |   | ISSUE<br>DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----|---------------|---|---|---|---|---|---|---------------|----------|-------|----------|-------------------------------|
|                     | A.A | 6             | 8 | 6 | 4 | 2 | 3 | 2 | 03/2005       | Ueno     | 514   | 9        | 12/20/1999                    |
|                     | A.B | 6             | 8 | 7 | 2 | 3 | 8 | 3 | 03/2005       | Ueno     | 424   | 78.04    | 01/30/2003                    |
|                     | A.C |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.D |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.E |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.F |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.G |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.H |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.I |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.J |               |   |   |   |   |   |   |               |          |       |          |                               |
|                     | A.K |               |   |   |   |   |   |   |               |          |       |          |                               |

## FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

|  |     | DOCUMENT<br>NUMBER | PUBLICATION<br>DATE | COUNTRY OR<br>PATENT OFFICE | CLASS | SUBCLASS | TRANSLATION<br>(YES/NO) |
|--|-----|--------------------|---------------------|-----------------------------|-------|----------|-------------------------|
|  | A.L | WO2004/027027      | 04/01/2004          | WIPO                        | C12N  |          | N/A                     |
|  | A.M | WO2005/027906      | 03/31/2005          | WIPO                        | A61K  | 31/436   | N/A                     |
|  | A.N |                    |                     |                             |       |          |                         |
|  | A.O |                    |                     |                             |       |          |                         |
|  | A.P |                    |                     |                             |       |          |                         |
|  | A.Q |                    |                     |                             |       |          |                         |

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

|  |     |   |
|--|-----|---|
|  | A.R | Ueno, <u>Local Ophthalmic Agent For Treatment Of Ocular Inflammation</u> , U.S. Patent Application Publication No. US2002/0187998, Published on 12/12/2002, Serial No. 10/120,515, Filed 04/12/2002 |
|  | A.S | Ueno, <u>Composition For Topical Administration</u> , U.S. Patent Application Publication No. US2003/0044452, Published on 03/06/2003, Serial No. 10/187,013, Filed 07/02/2002                      |
|  | A.T | Ueno, <u>Method Of Treating Dry Eye With A Macrolide Compound</u> , U.S. Patent Application Publication No. US2004/0198763, Published on 10/7/2004, Serial No. 10/758,260, Filed 1/16/2004          |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered.  
Include a copy of this form with next communication to applicant.

|   |     |  |                     |                                   |       |                          |                               |
|---|-----|--|---------------------|-----------------------------------|-------|--------------------------|-------------------------------|
| SUBSTITUTE FORM PTO-1449<br>(MODIFIED)  |     | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE   |                     | ATTY. DOCKET NO.<br>PMAN/25       |       | SERIAL NO.<br>10/667,161 |                               |
| THIRD SUPPLEMENTAL INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT   |     |  |                     | APPLICANT<br>Gholam Peyman        |       |                          |                               |
| (37 CFR 1.98(b))<br>(Use several sheets if necessary)   |     |  |                     | FILING DATE<br>September 19, 2003 |       | GROUP<br>1615            |                               |
| U.S. PATENT DOCUMENTS   |     |  |                     |                                   |       |                          |                               |
| EXAMINER<br>INITIAL   |     | PATENT NUMBER  | ISSUE<br>DATE       | PATENTEE                          | CLASS | SUBCLASS                 | FILING DATE<br>IF APPROPRIATE |
|   | B.A |  |                     |                                   |       |                          |                               |
|   | B.B |  |                     |                                   |       |                          |                               |
|   | B.C |  |                     |                                   |       |                          |                               |
|   | B.D |  |                     |                                   |       |                          |                               |
|   | B.E |  |                     |                                   |       |                          |                               |
|   | B.F |  |                     |                                   |       |                          |                               |
|   | B.G |  |                     |                                   |       |                          |                               |
|   | B.H |  |                     |                                   |       |                          |                               |
|   | B.I |  |                     |                                   |       |                          |                               |
|   | B.J |  |                     |                                   |       |                          |                               |
|   | B.K |  |                     |                                   |       |                          |                               |
| FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS  |     |  |                     |                                   |       |                          |                               |
|   |     | DOCUMENT<br>NUMBER   | PUBLICATION<br>DATE | COUNTRY OR<br>PATENT OFFICE       | CLASS | SUBCLASS                 | TRANSLATION<br>(YES/NO)       |
|   | B.L |  |                     |                                   |       |                          |                               |
|   | B.M |  |                     |                                   |       |                          |                               |
|   | B.N |  |                     |                                   |       |                          |                               |
|   | B.O |  |                     |                                   |       |                          |                               |
|   | B.P |  |                     |                                   |       |                          |                               |
|   | B.Q |  |                     |                                   |       |                          |                               |
| OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)   |     |  |                     |                                   |       |                          |                               |
|   | B.R | Cooper et al., <u>Transscleral Delivery</u> , U.S. Patent Application Publication No. US2005/0064010, Published on 3/24/2005, Serial No. 10/945,682, Filed 9/20/2004                             |                     |                                   |       |                          |                               |
|   | B.S | Ueno, <u>Use Of FK506 And Analogues For Treating Allergic Diseases</u> , U.S. Patent Application Publication No. US2005/0070468, Published on 3/31/2005, Serial No. 10/495,425, Filed 11/20/2002 |                     |                                   |       |                          |                               |
|   | B.T |  |                     |                                   |       |                          |                               |
| EXAMINER  |     |  |                     | DATE CONSIDERED                   |       |                          |                               |
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